IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 16777 of 2004

Between:

K.Venkatalakshmi, W/o Eswaraiah,
R/o Palabhavi Village, Rapthadu Mandal, Ananthapur District

..... PETITIONER

AND

1 The Revenue Divisional Officer, Ananthapur, Ananthapur District
2 The Mandal Revenue Officer, Rapthadu Mandal, Ananthapur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate writ or direction declaring the order of the 1st respondent passed in Rc.No.D1/CS/1267/2004 dated 13-09-2004 as illegal, arbitrary and consequently direct the respondent to continue the petitioner as Fair Price Shop dealer of Pallabhavi Village, Rapthadu Mandal, Ananthapur District.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

Petitioner is an authorised dealer in respect of Fair Price Shop of Palabhavi village, Rapthadu Mandal, Anantapur District. Her authorisation has been suspended by the Revenue Divisional Officer, Anantapur District by order dated 13.09.2004, which is under challenge in this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The learned counsel for the petitioner vehemently contended that all the allegations made against the petitioner in the impugned order, are false and without any basis and at any rate the same being trivial in nature, suspension of authorisation of the petitioner, pending enquiry, is not warranted.

Admittedly, against the impugned order an alternative remedy is available under the statute by way of appeal to the Joint Collector. Without exhausting the said alternative remedy, this writ petition cannot be maintained. Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to work out the alternative remedy as available under law. It is made clear that in case the petitioner prefers any appeal along with an application for stay within one week from today, the Joint Collector, Anantapur, who is the appellate authority, shall consider the same and pass appropriate orders on the application for stay in accordance with law within a period of one week from the date of filing.

Accordingly, the writ petition is disposed of. No costs.

17.09.2004

Note: Furnish CC in three days

(b/o)

vgb

To

1 The Revenue Divisional Officer, Ananthapur, Ananthapur District
2 The Mandal Revenue Officer, Rapthadu Mandal, Ananthapur District

3 2CCs to the Government Pleader for Civil Supplies, High Court

Buildings, Hyderabad (OUT)

4 2CD copies